

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

**In re:
MARGARET ANN BACH,**

**Chapter 7
Case No. 20-23343-kmp**

Debtor.

MARGARET ANN BACH,

Plaintiff,

v.

Adv. Pro. Case No. 21-2020

FOLEY & LARDNER LLP, et al.

Defendants.

**DEFENDANTS JPMORGAN CHASE BANK, N.A. AND FEDERAL NATIONAL
MORTGAGE ASSOCIATION'S MOTION TO DISMISS PLAINTIFF'S FIRST
AMENDED COMPLAINT PURSUANT TO FED. R. CIV. P. 12(B)(1) AND (B)(6)**

Defendants JPMorgan Chase Bank, N.A. (being named incorrectly as J.P. Morgan Chase Bank) ("Chase") and Federal National Mortgage Association ("Fannie Mae") (collectively referred to as "Defendants"), by and through their attorneys, Dykema Gossett, PLLC, hereby move pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(6) applicable via Fed. R. Bankr. P. 7012 for entry of an order dismissing Plaintiff Margaret Ann Bach's claims against Defendants in their entirety with prejudice. In support, Defendants rely on the Brief In Support of their Motion and state as follows:

1. On February 12, 2011, Debtor-Plaintiff Margaret Ann Bach ("Ms. Bach") initiated this adversary proceeding against Defendants, among others, by filing the Complaint. *See* Docket No. 1¹.

¹ All docket references are to the instant adversary proceeding docket, unless otherwise noted.

2. On March 22, 2012, Ms. Bach filed her First Amended Complaint, alleging against Defendants, that the “First and Second Mortgages Should be Discharged and Sanctions Imposed on Chase and Parties Who Illegally Tried To Take Her Home.” *See* Docket No. 22.

3. This adversary proceeding is yet another attempt (in a series of attempts) to challenge the mortgage foreclosure of Ms. Bach’s property. Ms. Bach’s claims have been repeatedly rejected by Wisconsin state courts.

4. Her claims are an improper collateral attack on the prior state court judgments/orders and should be dismissed under the *Rooker-Feldman* doctrine. In addition, Ms. Bach’s claims are otherwise barred under doctrines of res judicata and collateral estoppel.

5. Ms. Bach’s First Amended Complaint fails as a matter of law as this Court lacks subject matter jurisdiction under Fed. R. Civ. P. 12(b)(1) and the First Amended Complaint fails to state a claim upon which relief can be granted under Fed. R. Civ. P. 12(b)(6).

6. For further support of the relief requested, Defendants submit their Brief in Support of this Motion.

7. Pursuant to LR 9014.2, Defendants consent to this Court’s entry of final orders or judgments in this case.

WHEREFORE, Defendants JPMorgan Chase Bank, N.A. and Federal National Mortgage Association respectfully request that this Court enter an order: (a) granting this Motion; (b) dismissing all of Plaintiff Margaret Ann Bach’s claims, including the First Amended Complaint, against Defendants with prejudice; and (c) granting any other relief that this Court deems just and appropriate.

Dated: April 16, 2021

Respectfully submitted:

DYKEMA GOSSETT, PLLC

*Attorneys for Defendants JPMorgan Chase Bank,
N.A. and Federal National Mortgage Association,*

By: /s/ Steven D. Mroczkowski

WI Bar No. 1098874

DYKEMA GOSSETT, PLLC
10 S. Wacker Dr., Suite 2300
Chicago, IL 60606
Telephone: (312) 876-1700
Facsimile: (855) 252-8002
smroczkowski@dykema.com

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

**In re:
MARGARET ANN BACH,**

**Chapter 7
Case No. 20-23343-kmp**

Debtor.

MARGARET ANN BACH,

Plaintiff,

v.

Adv No. 21-2020

FOLEY & LARDNER LLP, et al.

Defendants.

**NOTICE OF MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(B)(1) AND (B)(6)**

TO: SEE PROOF OF SERVICE

Notice is hereby provided that that Defendants, JPMorgan Chase Bank, N.A., (being named incorrectly as J.P. Morgan Chase Bank) ("Chase") and Federal National Mortgage Association ("FNMA") (collectively referred to as "Defendants"), by and through their attorneys, Dykema Gossett, PLLC, and pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(6) applicable via Fed. R. Bankr. P. 7012 have moved the Court for entry of an order dismissing Plaintiff's First Amended Complaint with prejudice.

The grounds for the Motion are that the Court lacks subject matter jurisdiction under Fed. R. Civ. P. 12(b)(1) and the First Amended Complaint fails to state a claim upon which relief can

be granted and is subject to dismissal under Fed. R. Civ. P. 12(b)(6). These grounds are more fully set forth in the Motion and Brief in support thereof.

Dated: April 16, 2021

DYKEMA GOSSETT, PLLC

*Attorneys for JPMorgan Chase Bank, N.A. and
Federal National Mortgage Association,*

By: /s/ Steven D. Mroczkowski

WI Bar No. 1098874

DYKEMA GOSSETT, PLLC

10 S. Wacker Dr., Suite 2300

Chicago, IL 60606

Telephone: (312) 876-1700

Facsimile: (855) 252-8002

smroczkowski@dykema.com

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

**In re:
MARGARET ANN BACH,**

**Chapter 7
Case No. 20-23343-kmp**

Debtor.

MARGARET ANN BACH,

Plaintiff,

v.

Adv No. 21-2020

FOLEY & LARDNER LLP, et al.

Defendants.

PROOF OF SERVICE

I hereby certify that on April 16, 2021 I electronically filed Defendants', JPMorgan Chase Bank, N.A., (being named incorrectly as J.P. Morgan Chase Bank) ("Chase") and Federal National Mortgage Association ("Fannie Mae"), **Motion to Dismiss Plaintiff's First Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(6), Brief in Support thereof, and Notice of Motion** with the Clerk of the Court using the CM/ECF system, which sent electronic notification of the filing on the same day and was served upon all parties and counsel of record entitled to notice via the Court's CM/ECF system.

Service on Plaintiff Margaret Ann Bach was effectuated via US Mail to 10321 W. Manitoba St., West Allis, WI 53227.

By: /s/ Steven D. Mroczkowski

DYKEMA GOSSETT, PLLC
STEVEN D. MROCKOWSKI
WI BAR NO. 1098874
10 S. Wacker Dr., Suite 2300
Chicago, IL 60606
Telephone: (312) 876-1700
Facsimile: (855) 252-8002
smrockowski@dykema.com